

### REMARKS

Claims 1, 3-8, and 10-20 are presented for examination, of which claims 1 and 18 are independent. Favorable reconsideration and further examination are respectfully requested.

#### Claim Rejections

Claims 1, 3-8, 10-14, and 16-20 were rejected over U.S. Patent No. 3,569,997 (Lehovec) in view of U.S. Patent No. 7,129,466 B2 (Iwasaki). Claim 15 was rejected over U.S. Patent No. 3,763,272 (Fedotowsky). As shown above, Applicant has amended claims 1 and 18 to state that the radiation-sensitive zones are formed in silicon. In view of this amendment and the following remarks, withdrawal of the art rejections is respectfully requested.

The Office Action (page 2) apparently equates the integrated electro-optical structure described by Lehovec to the optoelectronic component of the claims. The Office Action further suggests that it would have been obvious, in view of Iwasaki, to modify Lehovec to include multiple, stacked radiation sensitive zones such that radiation-sensitive zones configured to detect shorter wavelengths of the electromagnetic radiation are at greater distances from the optical element compared to radiation-sensitive zones configured to detect longer wavelengths of the electromagnetic radiation.

As correctly indicated at page 3 of the Office Action, Lehovec does not disclose or suggest radiation sensitive zones, in which radiation sensitive zones configured to detect shorter wavelengths are at greater distances from the optical element compared to radiation-sensitive

zones configured to detect longer wavelengths of the electromagnetic radiation. Iwasaki was cited to make up for the deficiency of Lahovec.

However, the Office Action does not take into account the technical difficulties associated with arranging radiation-sensitive zones for shorter wavelengths below radiation-sensitive zones for longer wavelengths. In particular, although Iwasaki shows different possibilities of arranging three radiation sensitive zones configured to detect red, green, and blue light in FIGS. 5A – 5F, Iwasaki clearly suggests that amongst all possibilities of arranging the light receiving parts, the configurations shown in Figs. 5A and 5B are preferred. (See, e.g., Iwasaki. at col. 7, lines 38-45; see also id. at col. 8, lines 35-42).

In contrast to the features of the amended independent claims 1 and 18, Iwasaki describes a light-receiving device that includes a first, topmost light-receiving part that is made of organic semiconductor material and two further light-receiving parts in a silicon substrate that are arranged in such a way that the wavelength that is detected in the topmost zone is between the detected wavelengths in the light-receiving parts below. (See, e.g., id. at col. 6, lines 15-29; see also id. at col. 7, line 61-col. 8, line 4).

The arrangement of the light-receiving parts described by Iwasaki appears to depend on the low absorption behavior of the organic semiconductor material. The organic material has a low absorption and is arranged on top of the structure. This is due to the higher absorption of silicon for short wavelength, which is demonstrated, for example, in Iwasaki's FIG. 23 and also explained in col. 1, line 61-col. 2, line 3 of Iwasaki.

In summary, Iwasaki, in his background, discusses a known structure in which light-receiving parts made of silicon are arranged such that light of a shorter wavelength is detected in

a light-receiving part located closer to the surface, and light of a longer wavelength is detected in a light receiving part existing at a deeper location (See, e.g., Iwasaki at col. 1, line 67-col. 2, line 3). And, Iwasaki also discloses that it is possible to deviate from this known arrangement by using an organic semiconductor material on a top surface of the structure. (See, e.g., Id. at col. 6, lines 15-29). However, it would not have been obvious to deviate from the known structure, in which shorter wavelengths are detected above of the longer wavelengths, in view of Iwasaki if all of the radiation-sensitive zones were made of silicon, as claimed in amended independent claims 1 and 18.

In contrast, in the amended claims 1 and 18, a zone plate is used to overcome the above mentioned problem of strong absorption of electromagnetic radiation at shorter wavelengths that exists in radiation sensitive zones formed in silicon. Because of the focusing effect of the zone plate, the radiation sensitive zones configured to detect shorter wavelengths of electromagnetic radiation can be placed at greater distances from the optical element compared to radiation sensitive zones configured to detect longer wavelengths of electromagnetic radiation.

In view of the foregoing discussion, Applicant requests reconsideration and withdrawal of the rejection of claims 1, 3-8, 10-14, and 16-20 as being unpatentable over Lehovc in view of Iwasaki.

Claim 15 depends from claim 1, and thus is patentable for at least the reasons discussed above. Fedotowsky, relied on for its alleged teaching that “a silicon nitride ( $\text{Si}_3\text{N}_4$ ), antireflective coating may be formed on a  $\text{SiO}_2$  zone plate” does not remedy the deficiencies of Lehovc and Iwasaki discussed above.

Therefore, Applicant respectfully request that the rejections of claim 15 as unpatentable over Lehovay in view of Iwasaki and further in view of Fedotowsky be withdrawn

Each of the dependent claims is believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim, in light of the foregoing amendments, and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

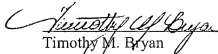
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Serial No. : 10/578,960  
Filed : March 30, 2007  
Page : 11 of 11

Attorney's Docket No.: 14603-0022US1 / P2003,0796  
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Please charge any additional fees, not already covered by check, or credit any  
overpayment, to deposit account 06-1050, referencing Attorney Docket No. 14603-0022US1.

Respectfully submitted,

Date: November 14, 2008

  
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